

HOUSE BILL 3327
By Fitzhugh

AN ACT to amend Chapter 223 of the Acts of 1901; as amended by Chapters 122 and 974 of the Private Acts of 1921; Chapter 41 of the Private Acts of 1959, Chapters 57 and 110 of the Private Acts of 1995; and any other acts amendatory thereto, relative to various municipal functions of the City of Ripley.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 223 of the Acts of 1901; as amended by Chapters 122 and 974 of the Private Acts of 1921; Chapter 41 of the Private Acts of 1959, Chapters 57 and 110 of the Private Acts of 1995; and any other acts amendatory thereto, is amended by adding the following new language at the end of Section 6:

At one (1) of its meetings in December of each year, the board shall fix the salary of the mayor and aldermen for the ensuing calendar year. That salary shall not be changed during that calendar year unless two-thirds (2/3) of the board concur in that change.

SECTION 2. Chapter 223 of the Acts of 1901, as amended, is further amended by deleting Section 7 in its entirety and by substituting instead the following:

Section 7. Be it further enacted, that the city shall be organized into the departments of general government, police, fire, gas and water, electricity, parks and recreation, and public works. However, the board of mayor and aldermen may abolish any of those departments, may create new departments, and may combine, or consolidate or merge any present or future departments. The board of mayor and aldermen shall appoint the heads of departments, and those heads of departments shall serve at the will and pleasure of the board. The board of mayor and aldermen may

authorize the appointment of such employees to staff the departments as it deems necessary, and may prescribe their duties or delegate that function to department heads. The employees of the various departments shall be appointed by, and serve at the will and pleasure of, the department heads. In addition to those officers and agents the board of mayor and aldermen is authorized elsewhere in the charter to appoint, the board may also appoint such officers and agents as it deems necessary, and those additional officers and agents shall serve at the will and pleasure of the board. The board of mayor and aldermen shall fix the salary and wages of all officers and employees of the city.

SECTION 3. Chapter 223 of the Acts of 1901, as amended, is further amended by deleting the following language from Section 8:

Before assuming to discharge the duties of their office they shall be sworn before some Justice of the Peace to faithfully discharge all the duties of the office, and to support the Constitution of Tennessee and the United States, and that they have had no contract, agreement or understanding with any one at any time to vote for any particular person for Recorder, Treasurer or Marshal, or other office to be filled by the said Board, without which oath the office shall be vacant, and shall be filled by the Board.

and by substituting instead the following:

Before assuming the duties of their office, they shall take an oath before some person authorized to issue oaths in Tennessee that they will faithfully discharge the duties of the office, and support the Constitution of Tennessee and of the United States.

SECTION 4. Chapter 223 of the Acts of 1901, as amended, is further amended by deleting the following language from Section 9:

The Mayor may fill vacancies in any office except that of Aldermen until the same be filled by the Board, and in the absence of any officer and there is business of said absentee's office deemed by the Mayor urgent, he may appoint a pro tempore officer to attend to said business, and especially in the absence of the Marshal he may verbally

appoint pro tempore Marshal to execute all process, and with or without process to arrest offenders against the corporate laws where the offense is committed in the Mayor's presence, or not in his presence, if the Mayor deems it necessary to prevent the escape of the party offending.

and by substituting instead the following:

The mayor may fill vacancies in any office except that of alderman until the same is filled by the board.

SECTION 5. Chapter 223 of the Acts of 1901, as amended, is further amended by deleting the word "Marshall" wherever it appears in Sections 20, 21, 23, 28, 29 and 30 and by substituting instead the language "chief of police".

SECTION 6. Chapter 974 of the Private Acts of 1921, is amended by deleting Section 2 in its entirety.

It is intended that this act shall also have the effect of deleting from the Municipal Technical Advisory Service's unofficial compilation of the charter Section 7-B, which section was created by the compiler because Section 2 of Chapter 974 of the Private Acts of 1921 did not specify where the contents of such section were to be placed in the charter.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Ripley. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Ripley and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

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